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8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **LOS ANGELES DIVISION**

11 IN RE:

12 WILLIAM K. SPENCER,

13 Debtor.
14

15 GWENDOLYN NOLAN,

16 Plaintiff,
17

18 vs.

19 WILLIAM K. SPENCER,

20 Defendant.
21

Case No.: 2:20-bk-10401-BB
Adv. Case. No: 2:20-ap-01103-BB

**DECLARATION OF RICHARD J. USS
RE: PRE-TRIAL STATUS
CONFERENCE REPORT**

PRE-TRIAL CONFERENCE

Date: February 23, 2021
Time: 2:00 p.m.
Place: 255 East Temple Street,
Los Angeles, California,
Courtroom 1539

22 **DECLARATION OF RICHARD J. USS**
23

I, Richard J. Uss, declare as follows:

24 1. I am an attorney licensed to practice in all courts in the state of California and I am
25 an associate at Nussbaum APC, attorneys of record for Plaintiff Gwendolyn Nolan ("Plaintiff") in
26 the above-referenced matter. The facts contained herein are of my own personal knowledge and I
27 could testify to same if called upon to do so.
28

1 2. On multiple occasions, I have attempted to meet and confer with Defendant William
2 K. Spencer (“Defendant”) concerning both Defendant’s Rule 26 disclosures as well as preparing a
3 Joint Pretrial Conference Status Report. Despite my attempts, I was successful in meeting and
4 conferring with Defendant regarding both issues. When I was able to speak with Defendant
5 telephonically, he informed me that his “attorney” that was helping Defendant was unavailable and
6 without the assistance of his attorney, he would not be able to prepare anything.

7 3. Currently, Plaintiff’s Motion to Compel Defendant’s Rule 26 disclosures is currently
8 set for hearing on February 23, 2021 in this Court.

9 4. On February 2, 2021, I received a notice of Substitution of Attorney for Defendant
10 well after the close of business and was unable to review the content of the document until later
11 that following day. On February 5, 2021, I sent counsel for Defendant an email concerning the
12 upcoming Pretrial Conference and the need to prepare a joint report for this Court. A true and
13 correct copy of my February 5, 2021 email to counsel for Defendant is attached hereto as Exhibit A
14 and is incorporated herein by this reference. No response was received related to my February 5,
15 2021 email.

16 5. Having received no response to my email, on February 8, 2021, I placed a telephone
17 call to the office for counsel for Defendant and briefly spoke with counsel for Defendant who
18 notified me that he was in a rush and could not speak with me; that if it could not be handled in two
19 minutes, it would need to occur later. Following my telephone call to counsel for Defendant, I sent
20 counsel for Defendant an email regarding the need for us to meet and confer related to the
21 preparation of a Joint Pretrial Conference Status Report. A true and correct copy of my February 8,
22 2021 email to counsel for Defendant is attached hereto as Exhibit B and is incorporated herein by
23 this reference.

24 6. The evening of February 8, 2021, I received an email from counsel for Defendant
25 asking when I was available. A true and correct copy of counsel for Defendant’s February 8, 2021
26 email to me is attached hereto as Exhibit C and is incorporated herein by this reference.

27 7. The next morning, on February 9, 2021, I responded that I was available then to
28 speak with counsel. A true and correct copy of my February 9, 2021 email to counsel for

Defendant is attached hereto as Exhibit D and is incorporated herein by this reference.

8. Despite my repeated overtures to counsel to meet and confer, Defendant has not yet contacted me as of the preparation of this declaration.

9. As a result of not being able to properly meet and confer with either Defendant or counsel for Defendant, Plaintiff submits the concurrently-filed Pre-Trial Status Conference Report solely on behalf of Plaintiff.

I declare under Penalty of perjury for the laws of the state of California and the United States of America that the foregoing is true incorrect.

Executed this 9th day of February, 2021.



Richard J. Uss

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
27489 Agoura Rd., Ste. 102, Agoura Hills, CA 91301

A true and correct copy of the foregoing document entitled (specify): _____

DECLARATION OF RICHARD J. USS RE: PRE-TRIAL STATUS CONFERENCE REPORT

_____ will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date)

02/09/2021, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Carolyn A Dye (TR) - trustee@cadye.com, Daniel King - dking@theattorneygroup.com, United States Trustee (LA) - ustpregion16.la.ecf@usdoj.gov

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) 02/09/2021, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

William K Spencer - 2330 E Del Mar #111, Pasadena, CA 91107

Hon Sheri Bluebond - Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1534 / Courtroom 1539
Los Angeles, CA 90012

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

02/09/2021 Shauna Wilcox
Date *Printed Name*

Signature